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**TITLE 3
UNLAWFUL DETAINER AND SMALL CLAIMS**

**RULE 3.0010
UNLAWFUL DETAINER AND SMALL CLAIMS TIME STANDARDS**

Pursuant to Section 2.3 of the Standards of Judicial Administration and Rule 1.0200 above, this Court adopts the following standards for timely disposition

- A. Unlawful Detainer cases shall be:
 - 1. 90 percent disposed of within 30 days after filing.
 - 2. 100 percent disposed of within 45 days after filing.
- B. Small Claims cases shall be:
 - 1. 90 percent disposed of within 75 days after filing, if all defendants reside within Riverside County.
 - 2. 100 percent disposed of within 95 days after filing, if any defendant resides outside of Riverside County.
- C. To achieve the delay reduction goals in this rule, at the time of filing the complaint, the Court shall set an order to show cause as to why the plaintiff or counsel shall not be sanctioned by dismissal of the action or otherwise for failure to comply with the time standards of this rule.

(Adopted 7-1-94; amended 4-19-97, effective 7-1-97; amended 10-17-98, effective 1-1-99; amended 4-30-04, effective 7-1-04)

**RULE 3.0020
CASE DESIGNATION AND NOTATION**

All cases shall be designated on the face of the complaint into one of the following categories:

- 1. Unlawful detainer; or
- 2. Small claims.

(Adopted 7-1-94)

RULE 3.0030
SERVICE OF COMPLAINT

In all unlawful detainer cases, the complaint shall be served on all defendants, and a proof of serve filed with the Court, within 30 days of filing the original complaint.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99; amended 4-30-04, effective 7-1-04)

RULE 3.0035
REQUEST FOR CONTINUANCE OF SMALL CLAIMS ACTIONS

The clerk is authorized to grant a written requests for continuance filed in accordance with Code of Civil Procedure section 116.570(a) by either party made at least ten (10) days prior to the scheduled hearing in a small claims actions. Both the Plaintiff and Defendant are allowed one continuance each for a period of thirty (30) days. Clerk will give notice to all parties of the continuance.

All subsequent requests or requests for continuance greater than thirty (30) days shall be referred to the Judicial Officer.

(Added 4-25-98, effective 7-1-98; amended 4-17-99, effective 7-1-99; amended 10-21-05, effective 1-1-06)

RULE 3.0036
REQUEST FOR TRIAL IN UNLAWFUL DETAINER ACTIONS

- A. An Unlawful Detainer action may be set for trial when the court deems the case to be at-issue or if the court so requires, when a party has served and filed a Request for Setting (Unlawful Detainer). The Request for Setting shall be on a form approved by Judicial Council.
- B. A party not in agreement with the information or estimates given in the Request for Setting shall within five (5) days after service, serve and file a Counter Request for Setting on the party's behalf.

(Adopted 10-18-02, effective 1-1-03)

RULE 3.0040
REQUESTS FOR JURY TRIAL IN UNLAWFUL DETAINER ACTIONS

It is the policy of this Court that all Jury Trials in Unlawful Detainer Actions proceed as follows:

For the case to proceed by Jury Trial the following must occur:

1. Jury fees and court reporter's fees, if a court reporter is desired, shall be posted by the party requesting the Jury Trial, five (5) days prior to the first assigned trial date.
2. If the Jury Trial exceeds one calendar day, for each subsequent day of trial, the Jury fees and Court Reporter's fees, if a reporter is desired, shall be posted by the party requesting the Jury Trial, by the close of business the day before the next scheduled trial date.
3. All requested and relevant Jury Instructions shall be submitted to the Court at 10:00 a.m. on the first assigned trial date.
4. Any and all motions, including motions in limine, shall be submitted, in writing to the Court at 10:00 a.m. on the first assigned trial date.
5. At 10:00 a.m. on the first assigned trial date, all parties must be ready to discuss, with the appropriate written authorities, any and all anticipated evidentiary issues which will arise during trial.

An application for Waiver of Court Fees shall be presented at the time the request for Jury Trial is submitted, for review and order by the designated judicial officer.

Failure to comply with any of the above will result in a waiver of Jury Trial and the Court will immediately proceed with trial by Court.

(Adopted 7-1-94; Amended 10-17-98, effective 1-1-99)

RULE 3.0050
ORDER TO POST SUMMONS-UNLAWFUL DETAINER ACTIONS

The Court shall issue an order to post a summons in an Unlawful Detainer action upon the filing of an affidavit which complies with provisions of 415.45 CCP. The "reasonable diligence" requirement of said section shall be deemed satisfied if the affiant has attempted to serve the summons:

- A. On three different days.

- B. At different times on each day.

The Clerk is authorized to issue the Order to Post, by affixing the judicial officer's facsimile stamp thereto, if the affidavit meets all of the above requirements and those of 415.45 CCP.

(Adopted 7-1-94)

RULE 3.0060

**DECLARATION AND WORKSHEET FOR DEFAULT JUDGEMENT-UNLAWFUL
DETAINER**

- A. The "Declaration and Worksheet for Default Judgment-Unlawful Detainer" shall be completed and filed in every unlawful detainer action which proceeds by default or summary judgment. Except for "possession only requests", this declaration shall be the sole and exclusive Code of Civil Procedure Section 585 Declaration submitted, unless there are unusual circumstances which require additional elaboration.
- B. Each plaintiff shall be provided a copy of this form at the time the action is filed. This form must be completed and filed in each such case, regardless of any declarations submitted by plaintiff in support of such judgment. No paperwork will be submitted to a judicial officer for approval unless this form is completed and filed.

(Added 4-16-94, eff. 7-1-94; Amended 10-17-98, effective 1-1-99)